

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2009-005838-001 DT

03/21/2011

HONORABLE CARI A. HARRISON

CLERK OF THE COURT
V. Morales
Deputy

STATE OF ARIZONA

PAUL EDWARD KITTREDGE
KELI B LUTHER

v.

DANIEL RAY GUKEISEN (001)

LARRY L DEBUS
CHARLES E SEARS

VICTIM SERVICES DIV-CA-CCC

MINUTE ENTRY

1:40 p.m.

State's Attorney:	Paul Kittredge
Defendant's Attorney:	Larry Debus
	Charles Sears
Defendant:	Present
Court Reporter:	Terry Masciola

Jeff Johnson is present for Keli Luther, representing the victim's family.

This is the time set for Oral Argument re: Motion in Limine.

The Court has received and reviewed Defendant's Motion in Limine filed March 9, 2011.

Defense counsel presents oral argument.

The State provides the Court with a copy of State's Response re: Defendant's Motion in Limine.

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State's counsel presents oral argument.

Rebuttal arguments are presented.

THE COURT will allow the Defendant's background as a prosecutor to be disclosed however, counsel may not present argument that the Defendant is held to a higher standard in criminal law.

Counsel provides the Court with photographs that will be marked as exhibits for trial.

Upon review of the photographs,

IT IS ORDERED that the photos with the Defendant's business sign be redacted as set forth on the record.

The Court has received and reviewed the Defendant's Motion in Limine re: Hearsay Statements by Michael Gukeisen filed February 23, 2011.

Oral argument is presented.

The Court makes findings on the record.

IT IS ORDERED granting the Motion and precluding hearsay statements by Michael Gukeisen.

The Court has received State's Motion in Limine re: Steroids and Response to State's Motion in Limine re: Steroids.

Oral argument is presented.

The Court makes findings on the record.

IT IS ORDERED granting the Motion and precluding any reference to any potential and/or possible use of steroids by the victim.

The Court has received and reviewed Defendant's Motion in Limine re: Arizona Department of Public Safety's Scientific Examination Reports.

Oral argument is presented.

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IT IS ORDERED granting the Motion and precluding probability statistics contained in Arizona Department of Public Safety Scientific Examination Reports related to this matter.

Defense counsel makes an oral Motion regarding witnesses that have come forward and stated they have knowledge of this crime and are later found to not have knowledge of this crime, that under *State v. Brady*, the information be disclosed.

IT IS ORDERED that if information is disclosed to either party that the information be submitted to the Court for review.

Court and counsel discuss voir dire and scheduling.

Discussion is held regarding exhibits.

IT IS ORDERED affirming prior release orders.

IT IS FURTHER ORDERED affirming **Trial set March 22, 2011 at 10:30 a.m.** in this division.

2:22 p.m. Matter concludes.

LATER:

2:30 p.m. Court and counsel are present in chambers. The Defendant is not present.

Court Reporter: Terry Masciola

Discussion is held regarding security issues.

The parties are informed that any potential security issues/threats need to be brought to the Court's attention.

IT IS ORDERED that this proceeding is confidential and shall be filed under seal, not to be opened without prior order of the Court.

IT IS FURTHER ORDERED that if a transcript of this proceeding is requested by any party, such party shall seek permission by the Court to have the transcript prepared.

IT IS FURTHER ORDERED that the sealed notes of this proceeding are to be maintained by the Court Reporter.

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The number of days for trial is expected to be ten (10).

The number of jurors required for this trial is eight (8) plus (2) alternates.

2:40 p.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>.
Attorneys are encouraged to review Supreme Court Administrative Orders 2010–117 and 2011–10 to determine their mandatory participation in eFiling through AZTurboCourt.